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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,745	09/17/2003	Klaus Hillgaertner	028987.52501US	2634
23911	7590	01/25/2006	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,745	HILLGAERTNER, KLAUS	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 29 September 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim 1, line 8 discloses the limitation “a swivelable pull handled”, the examiner believes this limitation should read --a swivelable pull handle--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,860,684 to Mizuki.

Mizuki discloses an opening arrangement for a vehicle door having a lock (15) arranged between an inside panel (62) and an outside panel (surface of element 1) of a vehicle door (1, figure 2) which outside panel is fastened to the inside panel, the lock having a release lever (42) arranged between the inside panel and the outside panel for moving the lock from a locking position of the lock to an unlocked position, and an outside operating mechanism (figure 2) acting upon the release lever by way of a force transmission element, the outside operating mechanism comprising a supporting part (14) fastened to an interior side of the outside panel and a swivelable pull handle (5) arranged on an exterior side of the outside panel, wherein a catching device (17) is provided, as viewed in a driving direction, adjacent a rear side of the lock within

the vehicle door, and is capable of when a defined lateral acceleration acts upon the vehicle, the catching device interacts with the supporting part of the outside operating mechanism and limits a bulging of the outside panel toward the outside to prevent unintentional release of the vehicle door lock (element 17 secures the panels together to the vehicle), as in claims 1.

Mizuki also discloses the catching device being a catch pin (17), that extends in a longitudinal direction of the vehicle, and a holding part (portion of element 14 that surrounds element 17), that is aligned in a transverse direction of the vehicle, and has a receiving device (bore in which element 17 extends) that surrounds the catch pin, as in claims 2, wherein the catch pin is provided on the supporting part (figure 2), as in claims 3, and the catch pin being constructed in one piece with the supporting part (elements 14 and 17 are secured together to produce a result of an integral construction), as in claims 4, as well as the catch pin being formed by a separately manufactured part that can be fastened to the supporting part (figure 2), as in claim 5.

Mizuki further discloses in an inoperative normal locked position of the vehicle door, the receiving device of the holding part extends at a radial distance from the interior catch pin, whereas, starting from a defined lateral acceleration acting upon the vehicle, the catch pin is locally supported on the outer edge of the receiving device (figure 2), as in claims 6-8, wherein the holding part is formed by a molded-on lug of an interior door reinforcement (bore within element 14), as in claims 9-12, and where the holding part is formed by a bent-away lug of the lock (figure 2), as in claim 13-16, as well as the holding part being fastened to the inside panel (figure 2), as in claim 17-20, wherein the catch pin protrudes through the receiving device of the holding part and projects beyond the receiving device on both sides (figure 2), as in claim 21-24.

***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to vehicular door latch assemblies:

U.S. Patent Number 6,588,813 to Marcarini et al., U.S. Patent Number 6,543,090 to Muneta, U.S. Patent Number 6,523,871 to Josserand, U.S. Patent Number 6,439,626 to Rohlfing, U.S. Patent Number 5,975,597 to Makiuchi et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB  
January 18, 2006



Suzanne Dino Barrett  
Primary Examiner